IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 13154 of 2004

Between:

P.Pedda Yellalu S/o Chinna Ramaiah
Rangapuram Village, Kajipet Mandal, Kadapa District

..... PETITIONER

AND

1 The Manager, Srimadh Veeratha Pothuluri Veerabrahmendra Mutt
Kandimallayyapalli Village, Brahmamgari Matham kadapa District
2 The Asst. Commissioner Endowments Department, Kadapa District
3 The Commissioner Endowments Department , Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more especially one in the nature of Writ of mandamus declaring the action of the 1st respondent in issuing the impugned public Auction Notice Dt. 20/07/2004 calling for the bidders to bid for the lease hold rights of dry land in Sy.no.995 an extent of Ac. 9.15 Cents and in Sy.No.1015 an extent of Ac.1.42 cents total (Ac. 10.75 cents) of Rangapuram Village, Kazipet, Mandal, Kadapa District as illegal, arbitrary and unconstitutional and consequently to set aside the impugned auction notice Dt. 20/07/2004 issued by the 1st respondent.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondent No.1: MR. V. VENUGOPAL RAO

Counsel for the Respondent Nos.2 and 3: GP FOR ENDOWMENTS

The Court made the following :

-

-

-

-

-

-

-

-

-

ORDER:

-

Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Government Pleader for Endowments appearing on behalf of respondent Nos.2 and 3 and with their consent the writ petition is taken up for disposal at the stage of admission.

Questioning the action of respondent No.1 in issuing the impugned public auction notice dated 20-7-2004 calling for the bidders in respect of the leasehold rights of dry lands in survey No.995 an extent of Ac.9-15 cents and in survey No.1015 an extent of Ac.1-42 cents, totaling Ac.10-57 cents of Rangapuram village, Kazipet Mandal, Kadapa District, the petitioner filed this writ petition.

The petitioner states that he is a lessee for the lands in question for the period from 2003-04 to 2005-06. He states that though his lease is subsisting, the first respondent issued the impugned auction notice inviting bidders for the leasehold rights of the lands in question, which is illegal and arbitrary. Hence, the writ petition.

The first respondent filed counter-affidavit denying the allegations made in the affidavit filed in support of the petition. It is stated that the petitioner violated the conditions of lease particularly condition No.8 i.e. sub-letting of lands to others. It is stated that the first respondent-Mutt after conducting a detailed enquiry into the alleged violations, requested the Commissioner, Endowments, A.P., Hyderabad through a letter dated 05-07-2004, to cancel the lease of the petitioner on the ground of violation of lease conditions, and thereupon the Commissioner by his proceedings Rc.No.M2/28954/2004, dated 19-7-2004, cancelled the lease of the petitioner and directed the first respondent to conduct public auction again for the lease of the lands in question as per the procedure and the rules.

The learned counsel for the petitioner submitted that the petitioner was

neither given a copy of the alleged enquiry report of the first respondent nor the alleged cancellation proceedings of the Commissioner, Endowments, A.P., Hyderabad.

Thereupon, the learned counsel for the first respondent furnished copies of the enquiry report and the cancellation proceedings to the counsel for the petitioner.

Inasmuch as the first respondent conducted the enquiry without any notice to the petitioner and the third respondent-Commissioner cancelled the lease of the petitioner without providing an opportunity of hearing to the petitioner, I deem it appropriate to direct the petitioner to submit an explanation to the enquiry report of the first respondent, to the third respondent-Commissioner, Endowments, A.P., Hyderabad within a period of four weeks from today and on such explanation, the third respondent is directed to consider the same and pass appropriate orders thereon in accordance with law within a period of two weeks thereafter.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

_____

N.V. RAMANA, J

Date: 21-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Manager, Srimadh Veeratha Pothuluri Veerabrahmendra Mutt
Kandimallayyapalli Village, Brahmamgari Matham kadapa District
2 The Asst. Commissioner Endowments Department, Kadapa District
3 The Commissioner Endowments Department , Hyderabad

4 Two Ccs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies

Form-NIC-OGS/WP{*GR****}***